

DEC 28 2004

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FACSIMILE TRANSMISSION

December 28, 2004

TO : U.S. PATENT AND TRADEMARK OFFICE

ATTN: Examiner Vincent E. Kovalick
Group Art Unit 2673
Serial No. 09/760,883

FAX NO.: 703-746-6067 / 703-872-9306

TELEPHONE:

FROM: H. J. Staas

RE: COMMUNICATION TO EXAMINER

YOUR REFERENCE: FJ,FHP-H228-US

OUR DOCKET: 23.1093

NO. OF PAGES (Including this Cover Sheet) 14

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COMMENTS:

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I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 12-28, 2004
STAAS & HALSEY
By: Ramin P. Adam
Date: 12-28-04

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Docket No.: 23.1093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroyuki SHIBATA et al.

Serial No. 09/760,883

Group Art Unit: 2673

Confirmation No. 4981

Filed: January 17, 2001

Examiner: Vincent E. Kovalick

For: DISPLAY APPARATUS WITH REDUCED NOISE EMISSION AND DRIVING METHOD
FOR THE DISPLAY APPARATUS

**COMMUNICATION TO THE EXAMINER REGARDING REQUEST FILED NOVEMBER 12,
2004, FOR WITHDRAWAL OF THE FINAL OFFICE OF JULY 28, 2004, SINCE PREMATURE
UNDER MPEP 706.07(c) - (e) AND ISSUANCE OF A NEW, NON-FINAL OFFICE ACTION
SETTING A NEW RESPONSE PERIOD**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Examiner Kovalick:

In accordance with our discussion on even date, enclosed is a copy of the "COMMUNICATION TO THE EXAMINER REQUESTING WITHDRAWAL OF THE FINAL OFFICE OF JULY 28, 2004, SINCE PREMATURE UNDER MPEP 706.07(C) - (E) AND ISSUANCE OF A NEW, NON-FINAL OFFICE ACTION SETTING A NEW RESPONSE PERIOD", filed November 12, 2004 and of the U.S.P.T.O. post card receipt for the filing of same.

The PAIR report for the subject application, copy enclosed, acknowledges receipt on November 12, 2004 of the "Communication", designated as "Miscellaneous Incoming Letter", and the Technology Center 2600 copy bears a "received November 16, 2004" date stamp on the front page of the e-document.

Incidentally, we also forwarded a courtesy copy to you, directly, on November 15, 2004 and a copy of our facsimile cover sheet forwarding same is also enclosed.

As we also discussed, the technique of Kawakami is altogether different from that of the present invention. Particularly, Kawakami discloses a plasma display adopting a sub-field scheme type of drive, and seeks to reduce light intensity level variations which result when the input video signal field frequency is varied. In Kawakami, sustain discharge pulse numbers of

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Docket No.: 23.1093

sub-fields are reduced when an input video signal field frequency becomes higher than a reference field frequency, and the sustain discharge pulse numbers of the sub-fields are increased when the input video signal field frequency becomes lower than the reference field frequency. In essence, Kawakami seeks to stabilize the input video signal field frequency at the reference field frequency, thereby to reduce light intensity level variations. (See object of invention col. 2, lines 29-38).

The present invention, unlike Kawakami, provides for reducing noise emitted by a display apparatus, such as a plasma display panel, by continuously varying the frequency of a clock signal used for driving the display panel "so as to spread out noise that the display panel emits, and thereby reduce ... peak values of the noise." (Page 2 of application at lines 26-30). Claim 1 expressly recites the use of a clock signal which "is continuously varied...."

In short, Kawakami seeks to stabilize an input video signal field frequency relevant to a reference frequency to reduce variations in light intensity levels which otherwise will occur whereas the present invention intentionally, continuously varies the frequency of a clock signal used to drive a display panel thereby to achieve the desirable result of reducing noise that a display panel otherwise emits, by spreading out the noise and reducing peak values of the noise.

CONCLUSION

Accordingly, we ask that you reconsider not only the premature Final Rejection but also the irrelevance of Kawakami with respect to the invention defined by the pending claims of the present application.

There being no other objections or rejections, we submit that a Notice of Allowance should be forthcoming - - and such action is earnestly submitted.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 28, 2004

By: [Signature]
H. J. Staas
Registration No. 22,010

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COMMUNICATION TO THE EXAMINER REQUESTING WITHDRAWAL OF THE FINAL OFFICE OF JULY 28, 2004, SINCE PREMATURE UNDER MPEP 706.07(c)-(e) AND ISSUANCE OF A NEW, NON-FINAL OFFICE ACTION SETTING A NEW RESPONSE PERIOD (NO FEES ENCLOSED)

APPLICANT(S): Hiroyuki SHIBATA et al.

SERIAL NO: 09/760,883

CONFIRMATION NO. 4981

TITLE: DISPLAY APPARATUS WITH REDUCED NOISE EMISSION AND DRIVING METHOD FOR THE DISPLAY APPARATUS

FILING DATE: January 17, 2001

DOCKET NO: 23.1093/HJS:rpa

DUE DATE: N/A



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Docket No.: 23.1093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroiyuki SHIBATA et al.

Serial No. 09/760,883

Group Art Unit: 2673

Confirmation No. 4981

Filed: January 17, 2001

Examiner: Vincent E. Kovalick

For: DISPLAY APPARATUS WITH REDUCED NOISE EMISSION AND DRIVING METHOD
FOR THE DISPLAY APPARATUS

**COMMUNICATION TO THE EXAMINER REQUESTING WITHDRAWAL OF THE FINAL
OFFICE OF JULY 28, 2004, SINCE PREMATURE UNDER MPEP 706.07(c) - (e) AND
ISSUANCE OF A NEW, NON-FINAL OFFICE ACTION SETTING A NEW RESPONSE PERIOD**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action of July 28, 2004 is Prematurely Made Final by the New Grounds of
Rejection in Item 3 of the Action.

**A. 35 USC §112 Rejection of Item 3 asserted for the first line in the Final Office
Action**

Item 3 of the Action rejects claims 3, 7, 11, 16, 20, 24, 29 and 48-52 under 35 USC §112,
¶1 because the specification allegedly fails to teach the claim limitation of a clock signal
frequency which "continuously varies within a range of plus or minus one percent of a reference
frequency".

To the contrary of the Examiner's contention, that limitation is clearly taught in the
specification:

At page 14, lines 29-35:

...the spread-type clock oscillator 132 outputs a clock whose frequency varies with time
in a continuous manner within a range of, for example, plus or minus a few percent of a

COPY

Serial No. 09/760,883

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reference frequency ...(in a specific example, the clock frequency varies within a range of plus or minus about one percent...).

Page 17, lines 26-36 repeats the above description and then more specifically recites at lines 33-34:

...two [frequencies] at plus/minus one percent of the reference frequency

(Emphasis added)

Several other locations also refer to "plus or minus a few percent" - - see e.g. page 3, line 7-8, line 22, page 4, lines 7-8 and line 24, and page 5, line 3. Furthermore, the limitation was present in the original claims 3, 7, 11, 16, 20, and 24.

The §112, ¶1 rejection is raised for the first time and thus belatedly in the Final Office Action mailed July 28, 2004, rendering the final status thereof premature.

B. Item 13: Erroneous Contention that "Applicant's amendment necessitated that the new ground(s) of rejection presented in this Office Action

Item 1 announces that "new prior art has been introduced in the rejection of claims", rendering applicants remarks of the prior response "moot." Further, Item 13 asserts, erroneously, that the applicant's amendment necessitated the new grounds of rejection, in accordance with which the Action is made Final under MPEP Section 706.07(a).

The Examiner errs in this position, since the only amendments made were directed to incorporating dependent claim limitations into related independent claims with cancellation of the corresponding dependent claims. Those amendments, more particularly, commonly introduced the word - - plasma - - in the preambles of the independent claims. Specifically, independent claims 1, 6, 10, 14, 19, 23, 26, and 27 were so amended and their corresponding dependent claims 4, 8, 12, 17, 21, 25 and 30 were cancelled.

Serial No. 09/760,883

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CONCLUSION

Accordingly, withdrawal of the Finality of the Action mailed July 28, 2004 is mandated since premature, pursuant to MPEP 706.07(c) through 706.07(e), and the same accordingly should be withdrawn and a new, non-final Office Action issued, setting a new Response period based on the mailing date of same.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 12, 2004 By: H. J. Staas
H. J. Staas
Registration No. 22,010

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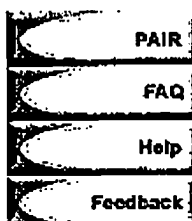
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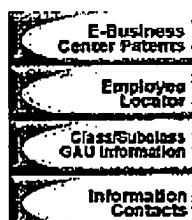


Image File Wrapper for Application No.:09/760,883

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07/28/2004	Final Rejection	PROSECUTION
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05/12/2004	Miscellaneous Incoming Letter	PROSECUTION
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04/22/2003	Foreign Reference	PRIOR ART
04/22/2003	Foreign Reference	PRIOR ART
04/22/2003	Foreign Reference	PRIOR ART
01/17/2001	Transmittal of New Application	AS FILED
01/17/2001	Specification	AS FILED
01/17/2001	Claim	AS FILED
01/17/2001	Abstract	AS FILED
01/17/2001	Drawings	AS FILED
01/17/2001	Oath or Declaration filed	AS FILED

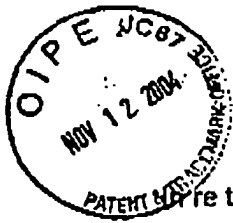
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Re the Application of:

Hiroiyuki SHIBATA et al.

Serial No. 09/760,883

Group Art Unit: 2673

Technology Center 2600

Confirmation No. 4981

Filed: January 17, 2001

Examiner: Vincent E. Kovalick

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To the contrary of the Examiner's contention, that limitation is clearly taught in the specification:

At page 14, lines 29-35:

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**ATTN: Examiner Vincent E. Kovalick
Group Art Unit 2673**

FAX NO.: 703-746-6067

TELEPHONE:

FROM: H. J. Staas

RE: COMMUNICATION TO EXAMINER (COURESTY COPY)

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OUR DOCKET: 23.1093

NO. OF PAGES (Including this Cover Sheet) 4

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